



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JAN 16 2013

VIA FIRST CLASS MAIL

Wanda Martens, Treasurer
Friends of Tom Stilson
390 Cash Springs Road
Ozark, MO 65721

RE: MUR 6591

Dear Ms. Martens:

On June 14, 2012, the Federal Election Commission notified Friends of Tom Stilson ("Committee") and you in your official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On January 9, 2013, the Commission found, on the basis of the information in the complaint, and information provided by the Committee, that there is no reason to believe Friends of Tom Stilson and you in your official capacity as treasurer violated 2 U.S.C. § 441d(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Kim Collins, the staff member assigned to this matter at (202) 694-1650.

Sincerely,

Anthony Herman
General Counsel

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

13044330544

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

**RESPONDENTS: Friends of Tom Stilson
Wanda Martens**

MUR 6591

I. INTRODUCTION

This matter was generated by a Complaint filed by Angel Seufert alleging violations of the Federal Election Campaign Act of 1971, as amended, (the "Act"), by Friends of Tom Stilson¹ and Wanda Martens in her official capacity as treasurer (the "Committee"). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Federal Election Commission ("Commission") uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint alleges that the Committee maintained a website that failed to comply with the Act's disclaimer requirements. Specifically, the Complaint states that one of the Commission's disclaimer regulations, 11 C.F.R. § 110.11(a)(3), requires "[a]ll public communications by any person" that solicit a contribution to include a disclaimer. Compl. at 1; *see also* 2 U.S.C. § 441d(a). In addition, the Complaint cites to 11 C.F.R. § 110.11(c)(2)(ii), which requires that "the disclaimer included in printed communications must be contained within a printed box set apart from the other contents of the communication." *Id.*; *see also* 2 U.S.C. § 41d(c)(2). According to the Complaint, the Committee maintained a website that included the

¹ Mr. Stilson was an unsuccessful primary candidate in Missouri's Seventh Congressional District.

13044330545

1 disclaimer "Paid for by Friends of Tom Stilson," but failed to enclose the disclaimer within a
2 printed box. Compl. at 1; Ex. A.

3 The Committee responds that its website disclaimer fully complies with the
4 Commission's disclaimer requirements. Resp. at 1. The Committee does not dispute the
5 Complaint's assertion that its website disclaimer lacked a printed box, but it maintains that the
6 Commission has "unanimously defined 'printed communications' as not extending to websites."
7 *Id.*

8 **B. Legal Analysis**

9 Pursuant to 11 C.F.R. § 110.11(a)(1), the Committee's internet website is required to
10 have a disclaimer. However, with respect to the additional disclaimer requirements for printed
11 communications set forth at 2 U.S.C. § 441d(c) and 11 C.F.R. § 110.11(c)(2), including the
12 printed box requirement, the Commission has concluded, as the Committee correctly notes, that
13 "Internet pages" do not constitute "printed communications." *See, e.g.,* Statement of Reasons,
14 Comm'rs. Weintraub, Walther, Lenhard, Mason, Toner & von Spakovsky at 4, MUR 5526 (Graf
15 for Congress, *et al.*) ("SOR"); MUR 6406 (Lee Terry for Congress, *et al.*) (citing the SOR, the
16 Commission unanimously found no reason to believe that a printed box was required around a
17 disclaimer on an Internet campaign advertisement).

18 In the MUR 5526 SOR, the Commission explained its reasoning as follows:

19 First, the ordinary meaning of the word "print" does not include
20 communication on Internet pages . . . [w]hile such information can often
21 be printed out, neither the printing nor the existence of a printout
22 transforms the Internet page itself into a printed communication. Second,
23 when FECA uses the words "Internet," "web," "website," or "electronic"
24 . . . it does not mean something ordinarily understood as being in print or
25 in printed form . . . For the foregoing reasons, the term "printed

13044330546

1 communication" in 2 U.S.C. § 441d(c) does not include communication
2 on Internet pages.

3

4 SOR at 2-4 and note 9; *see also* Resp. at 1-2.

5 Consistent with the Commission's reasoning in the SOR, the Committee's website

6 disclaimer was not required to be enclosed within a printed box. Therefore, there is no reason

7 to believe that Friends of Tom Stilson and Wanda Martens in her official capacity as treasurer

8 violated 2 U.S.C. § 441d(c) and 11 C.F.R. § 110:11(c)(2)(ii).

9

13044330547